



SPECIAL EDUCATION

Notice of Special Education Services and Programs Child Find

Infinity Charter School, along with other public agencies in the Commonwealth, must establish and implement procedures to identify, locate and evaluate all children who need special education programs and services because of the child's disability. This notice is to help find these children, to offer assistance to parents, and to describe the parents' rights with regard to confidentiality of information that will be obtained during this process.

The content of this notice has been written in English. If a person does not understand any of this notice, he or she should contact Cindy Walker, Infinity's Special Education Contact, and request an explanation.

Identification Activity

Child find refers to activities undertaken by public education agencies to identify, locate, and evaluate children residing in the State, including children attending private schools, who are suspected of having disabilities, regardless of the severity of their disability, and determine the child's need for special education and related services. The purpose is to locate these children so that a free appropriate public education (FAPE) can be made available. The types of disabilities that, if found, may cause a child to need services are: autism, deaf-blindness, deafness, emotional disturbance, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, other health impairment due to chronic or acute health problems, specific learning disabilities, speech or language impairment, traumatic brain injury and visual impairment including blindness.

Infinity is required to annually provide notice describing the *identification* activities and the procedures followed to ensure confidentiality of *personally identifiable information*. This notice is intended to meet this requirement.

Identification activities are performed to find a child who is suspected as having a disability that would interfere with his or her learning unless special education programs and services are made available. These activities are sometimes called *screening* activities. The activities include: review of group data, conducting hearing and vision screening, assessment of student's academic functioning, observation of the student displaying difficulty in behavior, and determining the student's response to attempted remediation. Screening activities can take place during the school day at Infinity Charter School. Input from parents is also an information source for *identification*. After a child is identified as a suspected *child with a disability*, he or she is evaluated, but is not evaluated before parents give written permission for their child to be evaluated. Regardless of screening activities, parents who think their child is a child with a disability may request in writing, at any time, that an evaluation be conducted to determine if the child is eligible to receive special education services. Written requests should be sent to Cindy Walker, the Infinity Charter School Special Education Contact person. All evaluations related to the above listed disabilities, including psychological assessments, are at no cost to the parents.

Educational Records/Confidentiality

All records that are directly related to an individual child are called educational records and are maintained by the local school district. Information contained in these records such as the child's name, the name of the child's parents or other family member, the address of the child or their family, a personal identifier such as social security number or a list of characteristics or information that would make the child's identity easily traceable is called *personally identifiable information*.

Infinity Charter School, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974 and other applicable federal and state laws, protects the confidentiality of *personally identifiable information* regarding students that are identified as children with disabilities and eligible for special education services and protected handicapped students. The school district protects the personally identifiable information by one school official being responsible for ensuring the confidentiality of the records; training being provided to all persons using the information, and maintaining for public inspection a current list of employees' names and positions who may have access to the information. The school district will inform you when this information is no longer needed to provide educational services to your child and will destroy the information at the request of the parent, except general information such as your child's name, address, phone number, grades, attendance record, classes attended, and grade level completed may be maintained without time limitation.

As the parent of the child you have a number of rights regarding the confidentiality of your child's records; for example, the right to inspect and review any education records related to your child that are collected, maintained, or used by the school district. The school district will comply with a request for you to review the records without unnecessary delay and before any meeting regarding planning for your child's special education program (called an IEP meeting), before a hearing should you and your school district disagree about how to educate your child who needs special education, and in no case, take more than 45 days to furnish you the opportunity to inspect and review your child's records.

You have the right to an explanation and interpretation of the records; to be provided copies of the records if failure to provide the copies would effectively prevent you from exercising your right to inspect and review the records and; the right to have a representative inspect and review the records.

Upon your request, Infinity Charter School will provide you a list of the types and locations of education records collected, maintained, or used by ICS. Additionally, Infinity Charter School may charge a fee for copies of records made in response to your request for copies, except it will not charge a fee if doing so will prevent you from inspecting and reviewing your child's records. Infinity Charter School will not charge a fee to search or retrieve information.

You have the right to request the amendment of your child's education records that you believe are inaccurate or misleading, or violates the privacy or other rights of your child. Infinity Charter School will decide whether to amend the records within a reasonable time after receiving your request. If Infinity refuses to amend the records you will be notified of the refusal and your right to a hearing. You will be given at that time, additional information regarding the hearing procedures and, upon request, ICS will provide you a records hearing to challenge information in your child's education files.

Parent consent is required before *personally identifiable information* contained in your child's education records is disclosed to anyone other than officials of Infinity Charter School collecting or using the information for purposes of identification of your child, locating your child and evaluating your child or for any other purpose of making available a free appropriate public education to your child. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Additionally, Infinity Charter School, upon request, discloses records without consent to officials of another school district in which your child seeks or intends to enroll.

School districts may establish a policy for disclosure of some types of student information known as *directory information*. *Directory information* is not subject to access or disclosure rules under FERPA. *Directory information* is that portion of an educational record which would not generally be considered harmful or an invasion of privacy if disclosed. This information may include but is not limited to the student's name and school activities, local and permanent address, family members' names, addresses and telephone numbers, major fields of study, names of previous school attended and enrollment status. Parents may refuse to allow the school district to designate any or all of their child's record as *directory information*. Parents should contact Infinity Charter School if they do not want directory information released about the child.

When a child reaches age 18, the rights of the parent with regard to confidentiality of *personally identifiable information* is transferred to the student.

A parent may file a written complaint alleging that the rights described in this notice were not provided to the following:

Pennsylvania Department of Education
Bureau of Special Education
Division of Compliance
333 Market Street
Harrisburg, PA 17126-0333

The Department of Education will investigate the matter, issue a report of findings and necessary corrective action within 60 days. The Department will take necessary action to ensure compliance is achieved.

Complaints alleging failures of the school district with regard to confidentiality of *personally identifiable information* may also be filed with:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-4605
Early Intervention Identification

In Pennsylvania, a child between 3 years of age and the school district's age to begin school who has a developmental delay or one or more of the physical or mental conditions as listed on page 1, is identified as an "eligible young child." The parents of these children have the same rights described previously in this document.

The Pennsylvania Department of Education is responsible for providing programs and services to eligible young children under Act 212 of 1990, the Early Intervention Services System Act. Screening for preschool children is available from the Capital Area Intermediate Unit (CAIU). To schedule an appointment for screening, or for additional information, please call Eric Bostick, CAIU Preschool Program Supervisor, at 717-732-8400 ext. 8619.

Services for Protected Handicapped Students

Students who are not eligible to receive special education programs and services may qualify as protected handicapped students and therefore be protected by other federal and state laws intended to prevent discrimination. Infinity Charter School must ensure that protected handicapped students have equal opportunity to participate in the school program and extracurricular activities to the maximum extent appropriate for each individual student. In compliance with state and federal law, Infinity Charter School will provide to each protected handicapped student without discrimination or cost to the student or family, those related aids, services or accommodations which are needed to provide equal opportunity to participate in and obtain the benefits of the school program and extracurricular activities to the maximum extent appropriate to the student's abilities. In order to qualify as a protected handicapped student, the child must be of school age with a physical or mental disability which substantially limits or prohibits participation in or access to an aspect of the school program.

These services and protections for "protected handicapped students" may be distinct from those applicable to exceptional or thought-to-be exceptional students. Infinity Charter School or the parent may initiate an evaluation if they believe a student is a protected handicapped student. For further information on the evaluation procedures and provision of services to protected handicapped students, parents should contact Cindy Walker, Infinity's Special Education Contact.

"THE SPECIAL KIDS NETWORK" INFORMATION

The Special Kids Network is a statewide resources and referral services for teachers, parents, agencies and others who are looking for help with a child (ages 0 through 21 years) with special needs. Anyone can use the Network and there are no charges for this service.

By calling the toll-free number (1-800-986-4550), a caller is connected to an information specialist in one of six regional offices. This professional and the friendly staff is ready to provide support, up-to-date information and referrals to statewide agencies and organizations that serve children with special needs.

201. SPECIAL EDUCATION POLICY

Purpose:

Every exceptional student attending the schools of this district shall be offered an educational program that meets his/her individual needs and is suited to his/her unique abilities. Such a program of special education shall be designed to comply with law, conform to the goals of this school, and shall, to the extent feasible and consistent with the best interests of the student and other pupils, integrate programs of special education with the regular instructional program of the school.

Exceptional children to be served by the special education program of this district shall include those school-age children as defined by law, resident in the district, who so deviate from the average in physical, mental, emotional or social characteristics that they require special educational programs or facilities or services and shall include all school-age persons in detention homes and hospitals.

In order to maintain a more effective program of special education, the CEO/Director is authorized to participate in special education programs of the Capital Area Intermediate Unit or any other approved state program.

Guidelines:

The CEO/Director shall annually recommend to the Board the employment and retention of such staff and the provision of such facilities and services as may be necessary and feasible to provide for the needs of the exceptional children of this district.

The program to which each exceptional child is assigned shall be that which best assures his/her success in learning and offers him/her the least restrictive environment in accordance with state and Federal regulations. All procedures for the implementation of a program of special education shall be so designed as to guard the privacy of the student and family.

No exceptional student who is so classified shall be denied, because of handicap, participation in co-curricular, intramural or interscholastic activities or any of the services offered or recognitions rendered regularly to the students of this district, unless such participation is not practical because of the handicap.

All services which are extended to the general population of students shall be provided for the exceptional pupil, where feasible.

The CEO/Director shall develop procedures for the continuing evaluation of the effectiveness of the school's plan for the exceptional pupil and shall periodically report to the Board the criteria by which such evaluations are made and the results of such evaluation.

Assistive Technology

Infinity Charter School will facilitate the provision of assistive technology devices and/or assistive technology services to a child with a disability, if they are required as part of the child's IEP. A child who has use of a technological device, provided to the by the Capital Area Intermediate Unit (CAIU), or their home school district, will bring the device with them when they come to Infinity. The cost for the use of the equipment will then be taken over by Infinity and paid to the CAIU or the child's home district for the use of the item. If a child is in need of a new device, Infinity will locate and pay for the use of the device for that child while they attend ICS. If staff (including teachers and instructional aides) need additional assistive technology resources or additional training, these would be available through the CAIU.

Hearing aids worn during the school day by children with hearing impairments, including deafness, will be tested periodically by the school nurse. The nurse will be responsible for reviewing procedures for maintaining the proper functioning of hearing aids, and obtaining additional training, as needed.

Independent Evaluation

The parents of a child with a disability have the right to obtain an independent educational evaluation of the child at public expense. An independent educational evaluation is one that is conducted by a qualified examiner who is not employed by the public agency (school) responsible for the education of the child. The public agency is responsible for the full cost of the evaluation. The public agency shall provide to parents information about where an independent educational evaluation may be obtained, along with the agency criteria applicable for independent educational evaluations. If an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner shall be provided to the parent. The public agency may not impose conditions or timelines related to obtaining an independent educational evaluation.

The independent educational evaluation may occur if the parents disagree with an evaluation obtained by the public agency. The public agency may ask for the parent's reason why he or she objects to the public evaluation. However, the explanation by the parent may not be required. The public agency must, without unnecessary delay, either initiate a hearing to show that it's evaluation

is appropriate to the needs of the child, or ensure that an independent evaluation be provided at public expense. If the public agency initiates a hearing, and the final decision is that the agency's evaluation is appropriate, the parent still has the right to an independent evaluation. This evaluation need not be at public expense. If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

When an independent educational evaluation is conducted at private expense, the results of the evaluation must be considered by the public agency, if it meets agency criteria. The evaluation must be considered with respect to the provision of a free appropriate public education of the child (FAPE). The evaluation may be presented as evidence at a hearing regarding that child.

FSB – Behavior Management Policy For Special Education:

Infinity Charter School believes in the use of positive behavior support. The policy is designed to enable children with individualized educational programs (IEPs), who need a behavior management program, to benefit from their free appropriate education program (FAPE) within the least restrictive environment (LRE) in accordance with the requirements in Pennsylvania's Regulations and Standards (Chapters 14 and 342).

- A. Effective techniques to (1) modify the contextual influences of behavior (i.e., setting events, strategies and immediate antecedent events), (2) teach socially appropriate alternative skills and (3) reduce problem behavior, will be employed.
- B. The behavior support plan for a child with an IEP must be designed/implemented in accordance with Pennsylvania Department of Education (PDE) Guidelines for Effective Behavior Support. Specifically, a multi-component approach to (1) modify contextual influences, (2) teach alternative skills, and (3) reduce problem behavior, is to be documented in the Behavior Support Plan. Evaluation procedures must also be present.
- C. Physical restraints may only be used as a crisis intervention to control acute aggressive behavior when the student is acting in a manner as to be clear and present danger to himself/herself, to other students, to employees, or others. The use of physical restraints shall be documented to include a description of less restrictive measures and techniques, implemented prior to the use of physical restraint. The use of physical restraint shall cause a meeting of the IEP Team to review the current IEP for appropriateness and effectiveness.

- D. The use of physical restraint when implemented as a protective procedure must be documented as a part of a child's crisis management plan in the child's Behavior Support Plan within his/her IEP. When physical restraint is used as written in the child's crisis management plan, the IEP Team shall review the current IEP for appropriateness and effectiveness.
- E. Teachers and staff utilizing physical restraint as a protective procedure shall be certified in crisis intervention strategies.
- F. The use of restraints may not be used as punishment by any staff member or used as a substitute for educational programs.
- G. Mechanical restraints, which are used to control involuntary movement or lack of muscular control of students when due to organic causes or conditions, may be included in the IEP only when recommended by a qualified medical professional and agreed upon by the student's parents or legal guardian. Mechanical restraints shall prevent a student from injuring himself/herself or others, or promote normative body positioning and physical functioning.
- H. The following aversive techniques of intervening with problem behavior are considered inappropriate and may not be used by Infinity Charter School personnel:
 - 1. Corporal punishment
 - 2. Locked rooms, locked boxes, other locked structures or spaces from which the student cannot readily exit.
 - 3. Deprivation of basic human rights, such as withholding meals, water or fresh air.
 - 4. Punishment for a manifestation of a student's disability.
 - 5. Noxious substances
 - 6. Serial suspensions
 - 7. Electric shock
 - 8. Methods which have not been outlined in the school's plan.
- I. Infinity Charter School must obtain parental approval through the IEP process for all procedures identified within the child's individualized Behavior Support Plan as a part of the IEP.
- J. Infinity Charter School assures that it will provide adequate training and support to appropriate personnel in the use of specific procedures, methods, and techniques as outlined in Pennsylvania's Special Education Regulations and Standards (Chapters 14 and 342), and PDE Guidelines for Effective Behavior Support. Training will be updated as appropriate.

The Special Education Teacher/Director of Special Education is responsible for ensuring that (1) agreed upon behavior support plans within IEPs for students are implemented in a consistent manner, and (2) this policy is implemented in compliance with Pennsylvania's Regulations and Standards.

Educational Records Confidentiality

Infinity Charter School (ICS) recognizes the need to protect the confidentiality of personally identifiable information in the education records of eligible children. This policy has been prepared to ensure the privacy rights to both the parents/guardians and the eligible child in the collection, maintenance, release and destruction of these records. This policy incorporates provisions from the Regulations of the State Board of Education of Pupil Records (PA Code 22, Ch. 12), the Family Educational Rights and Privacy Act of 1974, the Confidentiality Section of P.L. 94-142, and the Confidentiality Section of PA Special Education Regulations and Standards.

Information in this policy will be reviewed and updated as necessary.

Definitions:

Authorized school official – means an administrator, supervisor, or instructor who has a legitimate educational interest (as defined by the LEA or APS) in the student's education.

Destruction – means physical destruction or permanent expungement of personally identifying data from a student's educational records so the information in those records is no longer personally identifiable.

Directory information – includes the following information relating to a student: the student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student and other similar information.

Education record/records – means those records which are directly related to an exceptional student, and are maintained by ICS. This includes records for a student who is currently or in the past received special education and related services from ICS. Records include permission to evaluate, evaluation reports, individual education plan, notice of recommended educational placement, progress reports, etc. (Personal notes of instructional, supervisor or administrative personnel are not considered to be part of educational records.)

Eligible student – means a student who has attained eighteen (18) years of age, or is attending an institution of postsecondary education.

Personally identifiable – includes data or information that identifies the student or family members by name, by address, by information such as telephone or social security numbers, or by a list of characteristics or other information that could make the student's identity easily traceable.

Release – the giving of access to or the allowance of inspection, transfer, disclosure, or communication of any portion of a student' s education records which includes in it personally identifiable information; the term also means release to any person by any means.

Student - means exceptional school age person, preschool pupil (eligible young child) with respect to whom an educational agency maintains education records.

Parent – includes a parent, guardian or a surrogate parent who acts as a parent in the absence of a parent or guardian. Unless there is a state law or court order which provides to the contrary, Infinity Charter School may presume that the parent has the authority to exercise the rights inherent in the Family Educational Rights and Privacy Act of 1974.

Special Educational Records

An educational record shall be maintained for each child receiving special education services from the school at the following locations:

1. A special education file shall be maintained in the main office at ICS. This file shall be considered the complete special education file.
2. A permanent record shall be maintained for each current child and stored in the ICS main office.
3. A health record for each currently enrolled student will be kept in a locked cabinet in the Health Office.
4. A copy of the special education file, permanent file and health file will be stored in the Records Room for students who are no longer enrolled in ICS.

Transferring Files to Other Districts

A parent/guardian has the right to review the files of his/her child. The parent may also request and receive the following:

1. An explanation of information in the student's education records.
2. A copy of all or part of the student's education records (the cost of which will not exceed the costs of duplication).
3. A list of the types and location of the student's education record collected, maintained, or utilized by ICS.

Access Record Log

ICS will maintain a record indicating the names of those persons who have obtained access, the date of access, and the purpose of access.

Administrators, teachers, instructional aides and the administrative assistant are authorized to have access to personally identifiable information.

The parent/guardian has the right to inspect the access record of this child.

Maintenance Records

The Special Education teacher shall be responsible for ensuring that the education records, confidentiality rules, and this education records policy for eligible young children is enforced and administered. This official will:

1. Annually notify parents/guardians and eligible students of this policy, its procedures, and their rights. The notification shall be in their primary language unless it is not feasible to do so.
2. Develop a system of safeguards which will protect the confidentiality of personally identifiable information at the point of collection, storage, release and destruction.
3. Be responsible for ensuring that all ICS faculty and subcontracted agency employees, who collect or use personally identifiable information, receive in-service regarding the implementation of this policy. In-servicing shall consist of providing, at the least, yearly presentation of the information to staff and subcontractors.

Destruction

ICS will not destroy any part of an education record or personally identifiable information necessary for the education of a student who is enrolled, or has been enrolled, in ICS.

Release of Information

In order to protect the rights of the student and his/her parents/guardians against infringement of privacy, misinterpretation of data, and inappropriate use, ICS shall obtain the written consent of the student's parent/guardian or the eligible student prior to disclosing personally identifiable information from the education records of a student, other than directory information, except when prior consent for disclosure is not required by law. Consent shall be obtained using the Consent to Release Information form.

Prior consent for release of such information is not required when disclosure is:

1. To authorized school officials or subcontracted agencies have a legitimate educational interest (A **legitimate educational interest** for an authorized school official means that his official will have administrative, supervisory, or instructional duties with regard to the student's educational program.).
2. To officials of another school, or school system, in which the student is enrolled or intends to enroll; records will not be released without notifying the parents/guardians.
3. To authorized representatives of the Comptroller General of the United States, the Secretary, or state and local educational agencies.
4. To state and local officials or authorities, if a state statute adopted before November 19, 1974, specifically requires disclosures to those officials and authorities.
5. To comply with a judicial order or lawfully issued subpoena, provided ICS makes a reasonable effort to notify the parent/guardian of the student of the order or subpoena in advance of compliance.
6. To organizations conducting studies for, or on behalf of, educational agencies or institutions provided such organizations have received approval from the ICS Board of Directors.
7. To a parent/guardian of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954.
8. In connection with a health or safety emergency, only if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

Written consent will be obtained prior to release of personally identifiable information to any party not mentioned above. Prior to requesting consent, ICS will provide the parent/guardian or eligible student in writing the following:

1. A general description of the information or record to be released.
2. The form of the release.
3. The reason the release was requested.
4. The party or agency to whom the information will be released.

Whenever the student's school district of residence, Intermediate Unit, or the Department of Education requests the release of information, an approved private school must comply with the request within ten (10) days of receiving the request.

When a school district in which the student is enrolled or intends to enroll requests the release of information, ICS will comply with the request within ten (10) days of receiving the request.

Parental Request For the Amendment of Records

A parent/guardian has the right to request that ICS amend information contained in education records collected, maintained, or used by ICS if s/he believes it to be inaccurate, misleading, or in violation of the privacy or other rights of the student.

Subsequent to a request for an amendment, ICS shall decide whether to amend the disputed information within forty-five (45) calendar days after the receipt of the request to amend.

If ICS agrees to amend the disputed information, the parent/guardian or eligible student shall be notified in writing.

If ICS decides not to amend the education record in accordance with the request of the parent/guardian, ICS shall inform the parent/guardian in writing of the refusal, the reason(s) for the refusal, and shall provide further notification of their right to request and receive a records review hearing.

The following procedure will be followed when the opportunity for a hearing is actualized:

1. The hearing shall be held at a mutually agreed upon time and place within thirty (30) days after ICS receives the request of a hearing from the parent/guardian.
2. ICS shall give written notification to the parent/guardian of the date, place, and time of the hearing not later than five (5) days in advance of the hearing.
3. The parent/guardian shall be afforded a full and fair opportunity to present evidence relevant to the specific information and reason(s) for requesting that information be amended, and may be represented as his/her own expense by an individual of his/her choice, including legal council.
4. The hearing officer shall render a written decision within thirty (30) days of the conclusion of the hearing. This decision shall be based solely on evidence presented at the hearing and include a summary of the evidence and reasons for the decision.
5. If the decision rendered is to amend the education record(s), ICS will inform the parent/guardian of this in writing.
6. If the decision rendered is not to amend the education records, ICS shall inform the parent/guardian in writing of his/her right to place in the educational records of the student a statement commenting upon the information in the educational records and/or setting forth any reason for disagreeing with the decision of ICS. Parents/Guardians will also be informed of their right to request an impartial due process hearing.
 - a. This response shall be maintained by ICS as part of the educational records of the student as long as the record or contended portion thereof is maintained by ICS.
 - b. If the educational records of the student or the contested portion thereof disclosed to any party, the explanation shall also be disclosed to that party.

206. SURROGATE PARENT POLICY

Purpose:

To insure the rights of children who are the wards of the state or whose parents or guardians are unknown or unavailable, Infinity Charter School will identify eligible students and recruit, select, train and assign volunteer surrogate parents to represent children in educational matters in a timely manner, through the Surrogate Implementation Plan of the Capital Area Intermediate Unit.

Guidelines:

The procedure will include the following:

1. Infinity Charter School will identify students whose parents cannot be identified or located after reasonable efforts are made to find them, or students who are wards of the state.
2. Infinity Charter School will maintain this list of students who are in need of surrogate parents.
3. Infinity Charter School will contact the Capital Area Intermediate Unit to seek the assistance in locating surrogate parents.
4. Infinity Charter School will receive from the Capital Area Intermediate Unit documentation showing the assigned surrogate parents have been properly recruited, selected, trained and assigned. The assignment will take place within 30 days after a determination that the child needs a surrogate parent.

Surrogate parents are afforded all the same rights as other parents of students with disabilities enrolled in Infinity Charter School.